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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,270

Applicant(s)

MORITOMO, ICHIRO

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-116 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-116 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 116 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 07/15/2004 have been fully considered but they are not persuasive.
3. As per remarks, Applicants' argued that (1) Serizawa does not disclose transmitting information or writing the information to the removable medium without writing to an intermediate storage device.
4. As to point (1), Serizawa clearly states that "many of the data from the upper apparatus are directly recorded on the optical disk unit through a hard disk difference buffer managing portion" [i.e. without writing to the hard disk unit] [Figure 4b; and col 14, lines 16-19].
5. As per remarks, Applicants' argued that Kawase does not disclose or suggest providing any particular importance designation to the information described therein.

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6. As to point (2), Kawase discloses compression-decompression functions based on commands [i.e. command generates first to performance compress/decompress of data] [Abstract; and col 7, lines 43-56].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6-16, 19-29, 59-61, 64-74, 77-87, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota et al. [US Patent No 6,628,591], in view of Kawase [US Patent No 6,438,631], and further in view of Serizawa et al. [US Patent No 6,219,321].

9. As per claim 1, Yokota discloses the invention substantially as claimed including a method of transmitting information to a computer having a removable medium, comprising the steps of:

determining whether a device of the computer having structure to write to the removable medium meets predetermined criteria and is therefore an appropriate device for writing to the removable medium [Figure 10; and col 17, lines 53-59].

Yokota does not specifically disclose

receiving a request from the computer to download information over a network; and

transmitting information to the computer in order for the device of the computer to write the information to the removable medium.

Kawase discloses

receiving a request from the computer to download information over a network [col 2, lines 33-38; and col 3, lines 42-48]; and

transmitting information to the computer in order for the device of the computer to write the information to the removable medium [Figures 4-6; and col 5, lines 41-49].

Yokota and Kawase do not specifically disclose

transmitting the information to the computer in order for the device of the computer to write the information to the recordable medium without writing to an intermediate storage device, when the determining step determines that the device is an appropriate device for writing to the removable medium.

Serizawa discloses

transmitting the information to the computer in order for the device of the computer to write the information to the recordable medium without writing to an intermediate storage device, when the determining step determines that the device is an appropriate device for writing to the removable medium [Figures 4b-7b; and col 14, lines 16-21].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yokota, Kawase and Serizawa because the teaching of receiving and transmitting information would provide compatibility aspect for devices to communicate with one another in proper manner.

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10. As per claim 2, Yokota and Kawase do not specifically disclose

the method further comprising the step of:

transmitting the information to the computer in order for the intermediate storage device to store the information followed by reading the information from the intermediate storage device and writing the information to the removable medium using the device, when the determining step determines that the device is not an appropriate device for writing to the removable medium.

Serizawa discloses

the method further comprising the step of:

transmitting the information to the computer in order for the intermediate storage device to store the information followed by reading the information from the intermediate storage device and writing the information to the removable medium using the device, when the determining step determines that the device is not an appropriate device for writing to the removable medium [S1304, Figures 16 and 17; Figure 4b, and col 14, lines 4-22].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yokota, Kawase and Serizawa because Serizawa's teaching would allow to maintain and control the transmission of information.

11. As per claim 3, Yokota discloses determining whether the device is an appropriate device by examining state data of the device [Figures 9A-D; and col 4, lines 19-24].

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12. As per claim 6, Yokota discloses prohibiting the transmitting of the information to the computer, when the determining step determines the device of the computer does not meet the predefined criteria [Abstract; and col 3, lines 39-52].

13. As per claim 7, Yokota does not disclose the step of determining if information is written to the removable medium; and the step of transmitting is performed when it has been determined that no information is written to the removable medium. Kawase discloses the step of determining if information is written to the removable medium; and the step of transmitting is performed when it has been determined that no information is written to the removable medium [201B and 203, Figure 2; and col 7, lines 9-36]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yokota and Kawase because Kawase's teaching would allow to determine the medium so that recording can be carried out in a reliable manner.

14. As per claim 8, Yokota discloses prohibiting a writing of information to the removable medium, when it has been determined that the removable medium contains previously written information [col 3, lines 3-17; and col 4, lines 42-48].

15. As per claim 9, Yokota discloses notifying a user that information is written to the removable medium [col 6, lines 12-28; and col 20, lines 22-24].

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16. As per claim 10, Serizawa discloses writing the information to a memory in the computer which is other than the removable medium, when it has been determined that the removable medium contains previously written information [Figure 4a; and col 14, lines 13-15].

17. As per claim 11, Yokota discloses transmitting the information to the computer in order for the device of the computer which is an optical disc drive to write the information to the removable medium which is an optical disc [col 1, lines 14-38].

18. As per claim 12, Yokota discloses transmitting the information to the computer in order for the device of the computer which is an optical disc drive to write the information to the removable medium which is one of a CD-R and a CD-RW [Figure 12].

19. As per claim 13, Serizawa discloses transmitting the information to the computer in order for the intermediate storage device which is a hard disk drive to store the information [col 14, lines 4-11].

20. As per claims 14, it is rejected for similar reasons as stated above in claim 1.

21. As per claim 15, it is rejected for similar reasons as stated above in claim 2.

22. As per claim 16, it is rejected for similar reason as stated above in claim 3.

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23. As per claim 19, Yokota discloses determining step is performed by the computer which includes the device [10, Figure 1; and col 7, lines 38-42].

24. As per claim 20, Yokota does not specifically disclose determining step is performed by a remote computer which transmits the information to the computer which includes the device. Kawase discloses determining step is performed by a remote computer which transmits the information to the computer which includes the device [20, Figure 1]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yokota and Kawase because Kawase's teaching of remote computer would allow information to be distributed.

25. As per claim 21, Yokota discloses prohibiting the writing of the information to the removable medium, when it is determined that the device is not an appropriate device for writing to the removable medium [F207, Figure 11].

26. As per claims 22-25, they are rejected for similar reasons as stated above in claims 6-9.

27. As per claim 26, it is rejected for similar reasons as stated above in claim 10.

28. As per claims 27 and 28, they are rejected for similar reasons as stated above in claims 11 and 12.

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29. As per claim 29, it is rejected for similar reason as stated above in claim 13.

30. As per claim 59, it is apparatus claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

31. As per claim 60, it is apparatus claimed of claim 2, it is rejected for similar reasons as stated above in claim 2.

32. As per claim 61, it is apparatus claimed of claim 3, it is rejected for similar reasons as stated above in claim 3.

33. As per claims 64-70, they are apparatus claimed of claims 6-12, they are rejected for similar reasons as stated above in claims 6-12.

34. As per claim 71, it is apparatus claimed of claim 13, it is rejected for similar reasons as stated above in claim 13.

35. As per claim 72, it is apparatus claimed of claim 14, it is rejected for similar reasons as stated above in claim 14.

36. As per claim 73, it is apparatus claimed of claim 15, it is rejected for similar reasons as stated above in claim 15.

37. As per claim 74, it is apparatus claimed of claim 16, it is rejected for similar reasons as stated above in claim 16.

38. As per claims 77-83, 85 and 86, they are apparatus claimed of claims 19-25, 27, 28, they are rejected for similar reasons as stated above in claims 19-25, 27 and 28.

39. As per claims 84 and 87, they are apparatus claimed of claims 26 and 29, they are rejected for similar reasons as stated above in claims 26 and 29.

40. Claims 4, 5, 17, 18, 62, 63, 75, 76, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota et al. [US Patent No 6,628,591], in view of Kawase [US Patent No 6,438,631], and further in view of Serizawa et al. [US Patent No 6,219,321] and Ludtke et al. [US Patent No 6,421,069].

41. As per claims 4 and 5, Yokota, Kawase and Serizawa do not specifically disclose determining whether the device is an appropriate device by examining the state data of the device which includes at least a model number and a manufacturer of the device. Ludtke discloses determining whether the device is an appropriate device by examining the state data of the device which includes at least a model number and a manufacturer of the device [col 6, lines 21-24]. It would have been obvious to a person skill in the art at the time the invention was

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made to combine the teaching of Yokota, Kawase, Serizawa and Ludtke because Ludtke's teaching of model and manufacture information would allow to determine the correct information for recording to maintain data integrity.

42. As per claims 17 and 18, they are rejected for similar reasons as stated above in claims 4 and 5.

43. As per claims 62 and 63, they are apparatus claimed of claims 4 and 5, they are rejected for similar reasons as stated above in claims 4 and 5.

44. As per claims 75 and 76, they are apparatus claimed of claims 17 and 18, they are rejected for similar reasons as stated above in claims 17 and 18.

45. Claims 30, 31, 36, 45, 50, 88, 89, 94, 103, 108, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase [US Patent No 6,438,631], in view of Serizawa et al. [US Patent No 6,219,321].

46. As per claim 30, Kawase discloses the invention substantially as claimed including a method of storing information, comprising the steps of:

receiving information by a computer, the information including first importance information [i.e. command] [203, figure 2; and col 7, lines 43-50], and second importance

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information having an importance which is lower than the first importance information [i.e. data] [604, Figure 6; and col 7, lines 51-56].

Kawase does not specifically disclose
writing the first importance information to a hard disk drive of the computer;
writing the second importance information to a storage medium which is different from the hard disk drive, without writing the second importance information to the hard disk drive.

Serizawa discloses
writing the first importance information to a hard disk drive of the computer [Figure 4a; and col 14, lines 12-15];

writing the second importance information to a storage medium which is different from the hard disk drive, without writing the second importance information to the hard disk drive [Figure 4b; and col 14, lines 15-22].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Kawase and Serizawa because Serizawa's teaching would allow to information to be recorded in a reliable manner.

47. As per claim 31, Kawase discloses requesting, by the computer, that the information be transmitted thereto [col 2, lines 33-38; and col 3, lines 42-48].

48. As per claim 36, Kawase discloses
the step of writing the first importance information writes computer instructions [col 7, lines 44-50]; and

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the step of writing the second importance information writes computer data [col 7, lines 51-56].

49. As per claim 45, it is rejected for similar reasons as stated above in claim 30.

50. As per claim 50, it is rejected for similar reasons as stated above in claim 36.

51. As per claims 88 and 89, they are apparatus claimed of claims 30 and 31, they are rejected for similar reasons as stated above in claims 30 and 31.

52. As per claim 94, it is apparatus claimed of claim 36, it is rejected for similar reasons as stated above in claim 36.

53. As per claim 103, it is apparatus claimed of claim 45, it is rejected for similar reasons as stated above in claim 45.

54. As per claim 108, it is apparatus claimed of claim 50, it is rejected for similar reasons as stated above in claim 50.

55. Claims 32, 35, 39-44, 46, 49, 53-58, 90, 93, 97-102, 104, 107, 11-116, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase [US Patent No 6,438,631], in view of

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Serizawa et al. [US Patent No 6,219,321], and further in view of Yokota et al. [US Patent No 6,628,591].

56. As per claim 32, Kawase discloses transmitting to a remote computer over a network [20, Figure 1]. Kawase and Serizawa do not specifically disclose state data of a device which writes to the storage medium. Yokota discloses state data of a device which writes to the storage medium [Figures 9A-D; and col 4, lines 19-24]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Kawase, Serizawa and Yokota because Yokota's teaching of state data would provide detail information so that devices can be properly communicated with one another to maintain data integrity.

57. As per claim 35, it is rejected for similar reasons as stated above in claim 1.

58. As per claim 39, it is rejected for similar reasons as stated above in claim 7.

59. As per claim 40, it is rejected for similar reasons as stated above in claim 6.

60. As per claim 41, it is rejected for similar reasons as stated above in claims 9 and 10.

61. As per claim 42, it is rejected for similar reason as stated above in claim 41.

Furthermore, Yokota discloses providing, by a user, an instruction to perform said step of writing the second importance information [i.e. input operation] [col 6, lines 24-28]. It would have

been obvious to person skill in the art at the time the invention was made to combine the teaching of Kawase, Serizawa and Yokota because Yokota's teaching would provide an interface for better control of system operations.

62. As per claim 43, it is rejected for similar reasons as stated above in claim 41.

Furthermore, Serizawa discloses writing the first and second importance information to the hard disk drive [col 14, lines 12-16]. It would have been obvious to combine the teaching of Kawase and Serizawa because Serizawa's teaching of the hard drive would allow information to be stored for other purposes like information verification, etc...

63. As per claim 44, it is rejected for similar reasons as stated above in claim 12.

64. As per claim 46, it is rejected for similar reasons as stated above in claim 32.

65. As per claim 49, it is rejected for similar reasons as stated above in claim 35.

66. As per claims 53-58, they are rejected for similar reasons as stated above in claims 39-44.

67. As per claim 90, it is apparatus claimed of claim 32, it is rejected for similar reasons as stated above in claim 32.

68. As per claim 93, it is rejected for similar reasons as stated above in claim 35.

69. As per claims 97-102, they are apparatus claimed of claims 39-44, they are rejected for similar reasons as stated above in claims 39-44.

70. As per claim 104, it is apparatus claimed of claim 46, it is rejected for similar reasons as stated above in claim 46.

71. As per claim 107, it is rejected for similar reasons as stated above in claim 49.

72. As per claims 111-116, they are apparatus claimed of claims 53-58, it is rejected for similar reasons as stated above in claims 53-58.

73. Claims 33, 34, 37, 38, 47, 48, 51, 52, 91, 92, 95, 96, 105, 106, 109, 110, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase [US Patent No 6,438,631], in view of Serizawa et al. [US Patent No 6,219,321], and further in view of Yokota et al. [US Patent No 6,628,591], and further in view of Ludtke et al. [US Patent No 6,421,069].

74. As per claims 33 and 34, Kawase, Serizawa, Yokota do not specifically disclose transmitting the state data includes a model number and manufacturer of the device. Ludtke discloses transmitting the state data includes a model number and manufacturer of the device [col 6, lines 21-24]. It would have been obvious to combine the teaching of Kawase, Serizawa,

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Yokota and Ludtke because Ludtke's teaching would allow to communicate between devices in consistent manner.

75. As per claim 37, it is rejected for similar reasons as stated above in claims 6, 33 and 34.

76. As per claim 38, it is rejected for similar reasons as stated above in claims 2, 13, 33 and 34.

77. As per claims 47 and 48, they are rejected for similar reasons as stated above in claims 33 and 34.

78. As per claims 51 and 52, they are rejected for similar reasons as stated above in claims 37 and 38.

79. As per claims 91 and 92, they are apparatus claimed of claims 33 and 34, they are rejected for similar reasons as stated above in claims 33 and 34.

80. As per claims 95 and 96, they are apparatus claimed of claims 37 and 38, they are rejected for similar reasons as stated above in claims 37 and 38.

81. As per claims 105 and 106, they are apparatus claimed of claims 47 and 48, they are rejected for similar reasons as stated above in claims 47 and 48.

82. As per claims 109 and 110, they are apparatus claimed of claims 51 and 52, they are rejected for similar reasons as stated above in claims 51 and 52.

83. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen
Examiner
Art Unit 2154



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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